

REMARKS/ARGUMENTS

Claims 1-14 are pending. By this Amendment, new claims 12-14 are added.

Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Claims 1-3, 5 and 6 were finally rejected under 35 U.S.C. §103 over U.S. Patent No. 5,961,220 to Som et al. This rejection is respectfully traversed. Som et al. does not disclose a carpenter's square. A carpenter's square has a generally known definition and is the first element of the claim. Som et al. is directed to an electrical connection between a towing and a towed vehicle. Therefore, Som et al. does not teach or suggest a carpenter's square as recited in claim 1.

The recitation of a carpenter's square is not merely recited as an intended use. A carpenter's square or a square is the first required element of the claim and cannot be dismissed or ignored as intended use. By contrast, a claim directed to a snap locking angle adjustable device for a carpenter's square may be intended use in which the carpenter's square can be discounted or ignored.

Moreover, the case citations on page 5 of the final Office Action are irrelevant since the Examiner has improperly characterized the carpenter's square limitation as a preamble feature not entitled to patentable weight. In order to reject claim 1, the Examiner must produce a reference disclosing a carpenter's square. Som et al. does not disclose a carpenter's square. In addition, it would not have been obvious to one of ordinary skill in the art to have used the device in Som et al. in a carpenter's square application since it is directed to an electrical connection between a towing and a towed vehicle.

Dependent claims 2, 3, 5 and 6 are patentable by virtue of their dependency on claim 1, and for the additional features they recite. For example, the Examiner acknowledges that Som et al. does not teach or suggest the combination of a sleeve on one contacting element and a sleeve groove on a facing contacting element, to align and secure the contacting element and the pivot members on the pivot axis. To make up for this deficiency, the Office Action picks various elements from different embodiments of Som et al. to arrive at the claimed subject matter. However, there is no motivation to combine the separate embodiments of Som et al. to arrive at the claimed subject matter, absent impermissible hindsight.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1-3 stand rejected under 35 U.S.C. §103(a) over Hile in view of Nowlin.

The Office Action acknowledges that Hile does not teach or disclose that each one of the contacting elements with its alignment structure is a single unit formed by a moulding technique. To make up for this deficiency, the Office Action relies on the teachings of Nowlin. However, Applicant respectfully submits that there is no motivation to combine those teachings as Hile specifically teaches that the alignment pin is welded or attached by some other means to a blade 13 of the framing square 20. Moreover, the pivot pin is machined to a flat edge 22 in an upper portion of one of its radial sides and has a full 360° circumferential edge 24 at its base. See column 2, lines 24-34. Thus, Hile teaches away from the molding technique described in Nowlin.

Accordingly, there is no motivation to combine the teachings of Hile with Nowlin since they employ mutually exclusive structures.

Reconsideration and withdrawal of the rejection are respectfully requested.

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Appl. No. 10/735,851
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Claim 5 was rejected under 35 U.S.C. §103(a) over Hile in view of Nowlin, and further in view of Stromquist. This rejection is respectfully traversed at least because claim 5 depends from claim 1, and is patentable by virtue of that dependency.

Reconsideration and withdrawal of the rejection are respectfully requested.

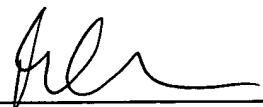
New claims 12-14 are presented for the Examiner's consideration. For example, claims 12 and 14 recite features that further define the carpenter's square.

In view of the above amendments and remarks, Applicant respectfully submits that all the claims are patentable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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